

THE HON'BLE SRI JUSTICE C.V. RAMULU

Friday, 14th day of July, 2006

W.P.No.21754 of 1999

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Between:

Mangalarapu Buchaiah

... Petitioner

and

The Govt.of A.P., rep.by its
Secretary, Irrigation Department,
Secretariat, Hyderabad
and others

... Respondents

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THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.21754 of 1999

ORAL ORDER:

This Writ Petition is filed seeking a Mandamus directing the respondents to initiate proceedings under the Land Acquisition Act, 1894 (for short 'the Act') and pay compensation with regard to the lands of the petitioner ad measuring Ac.0.23½ gts and Ac.0.01½ gts in Sy.No.9/C situated at Odela village and Mandal, Karimnagar district.

It is the case of the petitioner that he is a small farmer and agriculture is the only source of his livelihood. While so, respondents 4 and 5 have taken possession of his lands ad measuring Ac.0.23 ½ gts and 0.01½ gts in Sy.No.9/C, in the year 1994, for the purpose of construction of school building as well as excavation of SRSP canal, without initiating any proceedings under the Act. The possession was also taken over saying that it requires for a public purpose. At the time of taking possession, he approached the 3rd respondent and requested him to pay compensation. Respondent No.3, in fact, instructed the concerned authorities to initiate proceedings under the Act. However, respondents 4 and 5, on several occasions, when the petitioner approached, on one pretext or the other, failed to initiate proceedings under the Act. Further, on an application made by him, the Mandal Revenue Officer, Odela by his letter dated 6-3-1999 admitted the fact with regard to acquisition of his lands for Zilla Parishad Secondary School, Odela as well as the Irrigation Department. Hence, this Writ Petition.

A detailed counter affidavit has been filed on behalf of the

respondents denying the allegations made by the petitioner. However, it is admitted that the Z.P. Secondary School, Odela was constructed in the year 1956. The compound wall was also constructed and hence, further encroachment or acquisition of land in the past 44 years does not arise. It is asserted that there is a road of Sri Ram Sagar Project, between SRSP canal and the existing school. The school building was constructed in the year 1956 with G1 sheets. The total land was covered with compound wall. The ownership of the building and the open land within the compound wall is Panchayat Raj institution. It is further asserted that, may be, the Mandal Revenue Officer, Odela has addressed a letter dated 6-2-1999 to the petitioner stating that the land was acquired for the purpose of SRSP canal. The Zilla Parishad authorities have nothing to do with the matter.

From the above, one thing is clear that the lands owned by the petitioner were taken over for the purpose of construction of Z.P. Secondary School, Odela and also for construction of canal bund for SRSP, but the petitioner is not paid any compensation, nor it is the case of the respondents that this land was given by the petitioner by way of gift etc. On the other hand, the petitioner asserted that this land was taken over for the extension of the school building, whereas the respondents disputed the same. In this regard, learned counsel for the petitioner placed a photograph of a plank put up at the time of inauguration of the extension building on 1-12-1999 to show that this land was taken over in 1994.

In view of the above and to avoid any further delay and complications in the matter, respondent No.3 is directed to enquire into the matter in detail after calling for a report from all the concerned and pass appropriate orders, after hearing the petitioner personally in this regard. This exercise shall be done by the 3rd respondent within a

period of four months from the date of receipt of a copy of this order.

With the above directions, the Writ Petition is disposed of. No order as to costs.

14-7-2006

prk